

ATTORNEY'S DOCKET NUMBER: 2006517-0009 (Bacterial Delivery DIV1)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Caplan et al.	Examiner:	Huynh
Serial No.:	10/728,051	Art Unit:	1644
Filing Date:	December 4, 2003	Conf. No.:	9832
Title:	MICROBIAL DELIVERY SYSTEM		

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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Commissioner:

PETITION FOR EXTENSION OF TIME UNDER 37 C.F.R. § 1.136

A three-month extension of time from April 26, 2009, up to and including July 26, 2009, is hereby respectfully requested to respond to the Final Office Action mailed January 26, 2009. The extension fee of \$555.00 under 37 C.F.R. § 1.17(a) for a small entity is being paid via the U.S. Patent and Trademark Office's Electronic Filing System's credit card payment option. Since July 26, 2009 fell on a Sunday, the next succeeding day which is not a Saturday, Sunday, or Federal holiday (*i.e.*, Monday, July 27, 2009) shall be considered timely under 37 C.F.R. § 1.7. Applicant thus submits that the present Response is timely submitted on Monday, July 27, 2009.

Please charge any fees that are *necessary* to maintain pendency and/or protect the filing date of the present application to our Deposit Account Number 03-1721, referencing Attorney's Docket Number 2006517-0009. To the extent that there are any discrepancies between what Applicant has paid with the filing of the present Application

and what the USPTO believes is owed, Applicant respectfully requests that a Notice be issued explaining any such discrepancy.

Respectfully submitted,

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